



Federation of Ontario  
Law Associations

Fédération des associations  
de barreau de l'Ontario

## FAMILY LAW TALKING POINTS - FOLA 2023

### KEY POINTS

#### Family Law Portal

FOLA, on behalf of its members, is excited to hear about the governments efforts to re-vamp the Family Law portal and how that will improve access to justice for family law litigants.

#### Unified Family Court

FOLA is also looking forward to hearing about the governments ongoing efforts to expand the unified family court throughout the province.

#### Family Law Act

FOLA would also like to hear from the government if there has been an movement to amend the *Family Law Act* to abolish the date of marriage deduction exception for the matrimonial home.

#### Dispute Resolution Officers & Dispute Resolution Centres

Delays in securing conference dates in family law matters could be addressed by the continued expansion of the Dispute Resolution Officers project. While urgent matters can get before a judge, routine and/or pressing matters are waiting several months. As times, a pressing matter can become urgent during the intervening period. Dispute Resolution Centers can take the place of a case conference and help advance a matter. Even in jurisdictions where there are DRO's lists are not full. That means, DRCs can be scheduled in a timely manner. DRCs are currently virtual. If they remain virtual no added court resources are needed. DROs can bring greater resources to the table when working virtually.

The Family Responsibility Office needs to adapt. For example, lawyers (and parties) continue to have to fax materials to the FRO. Most times, there is no acknowledgment of receipt and no response. Technology could greatly assist in making the FRO more effective. For example, being able to download a Director's Statement rather than ask one to be mailed (or faxed). Moreover, the calculation of interest on support arrears could be automated. Currently, unless a recipient calculates their own interest the FRO will not enforce same, resulting in further financial hardship for recipients. Many of the calls that backlog the system could be done if the site was more interactive and user oriented. There needs to be greater efficiencies in enforcement when a payor is not the typical T4 employee.

#### Mandatory Information Programs

FOLA believes that the tools already exist to assist self-represented litigants navigate family law matters. The Mandatory Information Program is a great resource, however, the audience, at present, are individuals who have already started a court action. Thus, the MIP is not assisting in the reduction of family law court filings. We believe an interactive and strategically stepped

technology platform could not only assist individuals in navigating family law matter but also ensure that self-represented litigants have the tools necessary to represent themselves in a manner that is more effective.

Publicly available computer terminals in the courts could be equipped with links to the Family Law Rules and Forms, DivorceMate, Steps to Justice, Caselines, the Portal, Zoom, Legal Aid etc.. Potential litigants could be made to certify that they have watched the MIP prior to starting a court action. Space could be made available for Zoom attendances when people do not have reliable technology. The Information and Referral Coordinators could assist in navigating the process and printers could be made available as well.

KEY POINT TO LEAVE ON

As members of FOLA and our Law Association, we want to work with the government to help with policy initiatives impacting justice for families in Ontario.